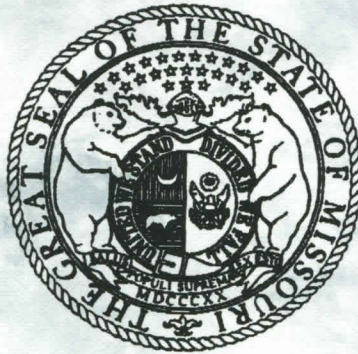


STATE OF MISSOURI



PUBLIC DEFENDER COMMISSION

ANNUAL REPORT FISCAL YEAR 1996

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson

State Public Defender, Director

Kathleen L. Jones, Comptroller

September 30, 1996

Missouri State Public Defender System

Director's Office

231 E. Capitol Avenue - Jefferson City, MO 65101

Telephone 314-526-5210 Fax 314-526-5213

Memorandum

To: Governor Carnahan
Chief Justice Holstein
Members of the General Assembly
Presiding Judges

From: J. Marty Robinson, Director, and
Members of the State Public Defender Commission



Date: September 25, 1996

Re: Fiscal Year 1996 Annual Report

As Missouri's State Public Defender and Commissioners of the Missouri State Public Defender System, it is our privilege to present to you this Annual Report of the Missouri State Public Defender System for the fiscal year ended June 30, 1996.

An increasing caseload facing Missouri's Public Defender System might be considered expected, even "old news." However, this Department's caseload in FY96 far exceeded expectations, crushing the record caseload of last year and greatly exceeded our projections. Missouri's Public Defenders were assigned 70,509 cases, up 15.5% from the 61,049 cases of FY95 and 7,361 cases more than our projection. It was indeed a record setting year.

Although total caseload reached record numbers, it is important to note the types of cases that are increasing in number. Consistent with national trends, the most violent offenses (first degree murder and other homicides) are down 32%. Although total non-homicide felony caseload is up, the more serious A/B felonies were down slightly. The entire felony caseload increase was in the less serious, C/D felonies.

Even though the caseload increase of last year was confined to lower level felonies, misdemeanors and probation violations, the sheer volume of cases is having a tremendous impact on Missouri's Public Defender System. In 1989 Missouri's Public Defender System moved to a statewide system with a recommended annual caseload of 235 cases per attorney. In FY96 Missouri's Trial Division Public Defenders handled an average of 334 cases. Fortunately, today's Missouri Public Defender is far more experienced and much better trained than the Defenders of seven years ago.

Just three years ago, nearly 20% of all Missouri Public Defenders resigned annually, usually citing low compensation as the reason. Salary increases have greatly improved retention. Today's attorney turnover rate is approximately 8% with exit interviews indicating compensation is no longer a factor. As of July 1, 1996 the average tenure of a Missouri Public Defender was 4.22 years. As expected and predicted two years ago, the more experienced and better trained public defenders have been able to handle higher caseloads.

Still, there are limits to everything. Dramatically increasing caseloads, even in less serious offenses, will require more public defenders. Also, the experienced, well-trained and well-equipped public defender must have an adequate place to work to be as effective and efficient as possible. Although local public defender offices are by statute established by the State Public Defender Commission, RSMo 600.040.1 places the burden of office rent and utilities for local offices on the counties served by the local offices. Recognizing the critical need to provide adequate work environments, the Director's office and State Public Defender Commission have again this year proposed and recommended a change in the statute. This change would make office rent of local public defender offices a state obligation, rather than a county obligation. Without change, this Department is without the ability to provide adequate, efficient work environments for all public defender offices.

We hope you find this Annual Report informative, interesting and useful in understanding our integral role in Missouri's criminal justice system. We have met the challenges of this past year and look forward to the challenges before us. With your support we will maintain the advances made and continue our move forward.

JMR:bjm

PUBLIC DEFENDER COMMISSION
ANNUAL REPORT - FISCAL YEAR 1996

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PUBLIC DEFENDER COMMISSION
ANNUAL REPORT - FISCAL YEAR 1996

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State Government, constitutionally required defense services are provided to eligible persons. This is done through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by newly established State Public Defender Offices capable of providing services to each jurisdiction of the state.

Today, the Missouri State Public Defender System is organized into three legal service divisions which include: The Trial, Appellate and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provides legal services at the trial level throughout the state and is subdivided into 35 district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in trial courts, has offices in Kansas City, St. Louis and Columbia. The Capital Division, which provides representation in cases at the trial level where the death penalty is sought, has offices in Kansas City, St. Louis and Columbia.

Every attorney in the Public Defender System handles cases representing indigent Missourians accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources.

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff and support staff of the Public Defender System will ensure that this advocacy is not compromised.

To provide this uncompromised advocacy, the Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

II. What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in that particular jurisdiction. After an accused makes application for public defender services, the defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is eligible for public defender representation. If the accused is found eligible by the defender, the defender then undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may a court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to represent the client in a court of law. Representation of the accused extends to an appeal if after the trial, the defendant is found guilty.

Using data from fiscal year 1996 a composite example of a "typical defender" can be developed. The "typical defender" will close 270 cases in the course of one year. This means the defender must dispose an average of one case each day to insure successful management of the cases assigned. Approximately 43% of the cases disposed by the "typical defender" in a year are felonies. The breakdown by category of cases handled by the "typical defender" is presented on the following page.

*State Public Defender
Systemwide
Composite Public Defender*

| <i>Description</i> | <i>Cases Represented</i> |
|--|------------------------------|
| <i>Homicide</i> | <i>1</i> |
| <i>A-B Felony</i> | <i>20</i> |
| <i>C-D Felony</i> | <i>95</i> |
| <i>Misdemeanor</i> | <i>89</i> |
| <i>Juvenile</i> | <i>14</i> |
| <i>Post Conviction Relief</i> | <i>3</i> |
| <i>Probation Violations</i> | <i>44</i> |
| <i>Appeals</i> | <i>4</i> |
| <i>Total Average Cases Per System Attorney</i> | <i>270</i> |

Given the workload of our "typical defender," the demand on attorney time is extremely high. The average Public Defenders provide representation in 270 cases each year; more than one per day every work day of every week for the entire year. Providing effective assistance of counsel in each case demands a well trained, highly experienced corps of dedicated attorneys.

Recent salary increases have greatly improved attorney retention. Attorney turnover has been reduced from 20% per year to just 8%. The more experienced and better trained public defenders have been able to handle higher caseloads.

III. Caseload and Cost Highlights

A. Caseload

1. New Cases

The State Public Defender System opened 70,509 new cases in Fiscal Year 1996. The greatest numbers of cases are reflected in the felony and misdemeanor caseloads.

Felony Cases Opened - 30,461 or 43% of the total cases

Misdemeanor Cases Opened - 23,069 or 33% of the total cases

Juvenile Cases Opened - 3,612 or 5% of the total.

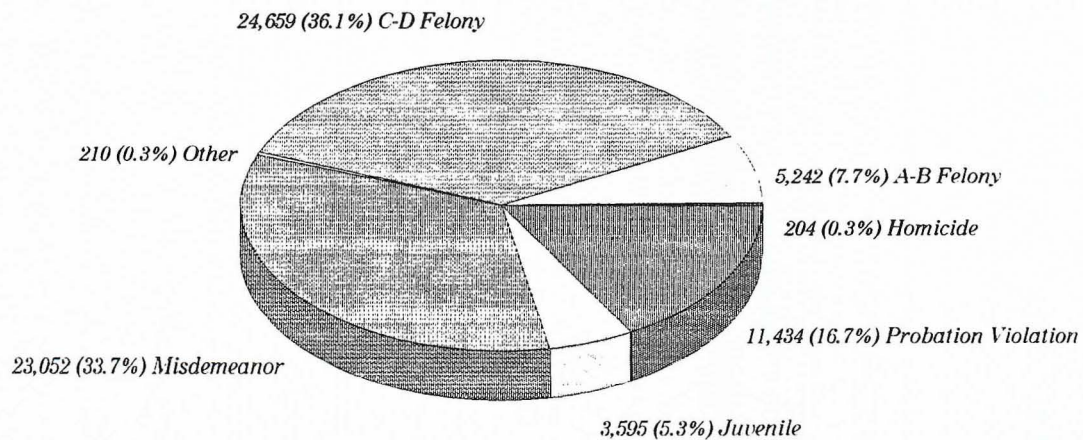
FY96 - TRIAL DIVISION CASE ASSIGNMENTS BY DISTRICT

| <i>District #</i> | <i>District Name</i> | <i>Cases Assigned</i> | <i>District #</i> | <i>District Name</i> | <i>Cases Assigned</i> |
|--|----------------------|---------------------------|-----------------------|--------------------------|---------------------------|
| 2 | Kirksville | 386 | 25 | Rolla | 2,198 |
| 4 | Maryville | 528 | 26 | Lebanon | 1,405 |
| 5 | St. Joseph | 1,915 | 28 | Nevada | 799 |
| 7 | Liberty | 2,189 | 29 | Joplin | 3,498 |
| 10 | Hannibal | 846 | 30 | Buffalo | 913 |
| 11 | St. Charles | 1,657 | 31 | Springfield | 2,242 |
| 12 | Fulton | 1,421 | 32 | Cape Girardeau | 2,275 |
| 13 | Columbia | 2,902 | 34 | Caruthersville | 977 |
| 14 | Moberly | 1,004 | 35 | Kennett | 1,198 |
| 15 | Sedalia | 1,734 | 36 | Poplar Bluff | 1,481 |
| 16 | Kansas City | 9,073 | 37 | West Plains | 545 |
| 17 | Harrisonville | 1,739 | 39 | Monett | 1,586 |
| 19 | Jefferson City | 1,099 | 43 | Chillicothe | 1,462 |
| 20 | Union | 910 | 44 | Ava | 460 |
| 21 | St. Louis County | 5,375 | 45 | Troy | 578 |
| 22 | St. Louis City | 9,803 | 47 | Springfield Conflicts | 511 |
| 23 | Hillsboro | 1,268 | 48 | Kansas City Conflicts | 37 |
| 24 | Farmington | 1,516 | 49 | St. Louis City Conflicts | 866 |
| <i>Total Trial Division FY96 Assignments</i> | | | | | <i>68,396</i> |

FY96 Trial Division Opened Cases By Case Type

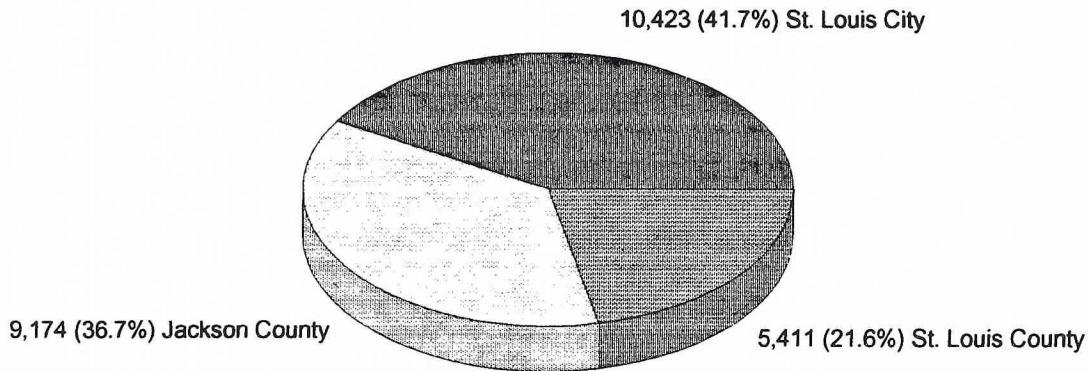
| <i>Case Type Description</i> | | <i>Number Assigned</i> |
|---|------------------------|----------------------------|
| 00 | Unknown | 2 |
| 10 | Murder - Death Penalty | 12 |
| 15 | Murder I | 113 |
| 20 | Other Homicide | 77 |
| 30 | A-B Felony | 5,242 |
| 35 | C-D Felony | 24,659 |
| 40 | Misdemeanor | 19,340 |
| 45 | Misdemeanor - Traffic | 3,712 |
| 50 | Juvenile - Status | 907 |
| 52 | Juvenile - Criminal | 2,688 |
| 54 | PCR Rule 24 | 6 |
| 59 | PCR Rule 29 | 3 |
| 60 | Chapter 552 | 143 |
| 65 | Probation Violation | 11,434 |
| 75 | Writ | 16 |
| 80 | Appeal | 21 |
| 82 | Direct Appeal | 21 |
| <i>Total Trial Division Assignments</i> | | <i>68,396</i> |

FY96 - Trial Division Cases Opened by Case Type



FY96 - PUBLIC DEFENDER ASSIGNMENTS

COMPARISON OF URBAN COUNTIES



FY96 - Conflict Assignments By Case Type

| <i>Case Type</i> | <i>Description</i> | <i>Cases Assigned</i> |
|--|---------------------------|----------------------------------|
| 10 | Murder - Death Penalty | 4 |
| 15 | Murder I | 4 |
| 20 | Other Homicide | 11 |
| 30 | A-B Felony | 80 |
| 35 | C-D Felony | 217 |
| 40 | Misdemeanor | 17 |
| 50 | Juvenile | 17 |
| 54 | PCR Rule 24 | 44 |
| 59 | PCR Rule 29 | 16 |
| 65 | Probation Violation | 10 |
| 80 | Appeal | 17 |
| 82 | Direct Appeal | 42 |
| 00 | Other | 17 |
| <i>Total Conflict Assignments</i> | | <i>496</i> |

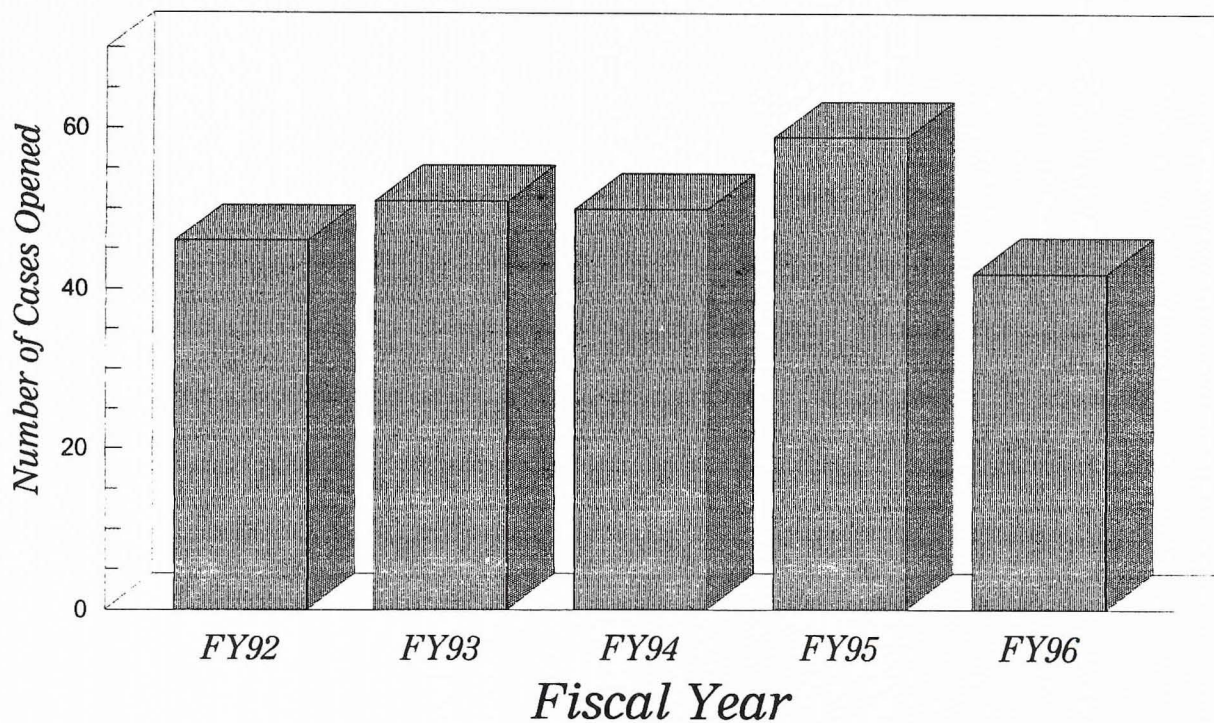
FY96 - Appellate Division Caseload Cases Opened and Closed

| | <i>Central Office Columbia</i> | <i>Eastern Office St. Louis City</i> | <i>Western Office Kansas City</i> | <i>Totals</i> |
|----------------------------------|---|---|--|----------------------|
| <i>Direct Appeals</i> | | | | |
| <i>Open</i> | 252 | 135 | 87 | 474 |
| <i>Closed</i> | 239 | 117 | 124 | 480 |
| <i>Murder 1st Appeals</i> | | | | |
| <i>Open</i> | 14 | 2 | 1 | 17 |
| <i>Closed</i> | 6 | 5 | 3 | 14 |
| <i>PCR Appeals</i> | | | | |
| <i>Open</i> | 230 | 109 | 107 | 446 |
| <i>Closed</i> | 216 | 84 | 130 | 430 |
| <i>29.15 Hearings</i> | | | | |
| <i>Open</i> | 113 | 125 | 52 | 290 |
| <i>Closed</i> | 142 | 61 | 85 | 288 |
| <i>24.035 Hearings</i> | | | | |
| <i>Open</i> | 189 | 61 | 98 | 348 |
| <i>Closed</i> | 205 | 41 | 89 | 335 |
| <i>Totals</i> | | | | |
| <i>Open</i> | 798 | 432 | 345 | 1,575 |
| <i>Closed</i> | 808 | 308 | 431 | 1,547 |

***FY96 - Capital Division Caseload
(DEATH PENALTY CASES)***

| | <i>Opened</i> | <i>Closed</i> | <i>Currently Open</i> |
|-------------------------------------|---------------|---------------|---------------------------|
| <i>Central Office - Columbia</i> | <i>17</i> | <i>17</i> | <i>18</i> |
| <i>Eastern Office - St. Louis</i> | <i>15</i> | <i>23</i> | <i>18</i> |
| <i>Western Office - Kansas City</i> | <i>10</i> | <i>14</i> | <i>18</i> |
| | <i>42</i> | <i>54</i> | <i>54</i> |

***Capital Division Caseload
Fiscal Year Comparison***



2. Cases Closed

The State Public Defender System closed 70,664 cases in Fiscal Year 1996. This is more than double the number of closed cases since 1984 when the State Public Defender System closed 31,730 cases.

FY96 - TRIAL DIVISION CASE DISPOSITIONS BY DISTRICT

| <i>District #</i> | <i>District Name</i> | <i>Cases Disposed</i> | <i>District #</i> | <i>District Name</i> | <i>Cases Disposed</i> |
|---|-----------------------------|----------------------------------|------------------------------|-----------------------------|----------------------------------|
| 2 | Kirksville | 380 | 25 | Rolla | 2,121 |
| 4 | Maryville | 496 | 26 | Lebanon | 1,378 |
| 5 | St. Joseph | 2,055 | 28 | Nevada | 724 |
| 7 | Liberty | 2,081 | 29 | Joplin | 3,495 |
| 10 | Hannibal | 812 | 30 | Buffalo | 836 |
| 11 | St. Charles | 1,581 | 31 | Springfield | 2,194 |
| 12 | Fulton | 1,406 | 32 | Cape Girardeau | 2,223 |
| 13 | Columbia | 2,964 | 34 | Caruthersville | 1,038 |
| 14 | Moberly | 957 | 35 | Kennett | 1,204 |
| 15 | Sedalia | 1,714 | 36 | Poplar Bluff | 872 |
| 16 | Kansas City | 8,611 | 37 | West Plains | 584 |
| 17 | Harrisonville | 1,652 | 39 | Monett | 1,595 |
| 19 | Jefferson City | 1,097 | 43 | Chillicothe | 1,389 |
| 20 | Union | 977 | 44 | Ava | 443 |
| 21 | St. Louis County | 6,753 | 45 | Troy | 512 |
| 22 | St. Louis City | 10,587 | 47 | Springfield Conflicts | 688 |
| 23 | Hillsboro | 1,284 | 48 | Kansas City Conflicts | 141 |
| 24 | Farmington | 1,356 | 49 | St. Louis City Conflicts | 863 |
| <i>Total Trial Division FY96 Assignments</i> | | | | | <i>69,063</i> |

FISCAL YEAR COMPARISON FY95 TO FY96
FISCAL YEAR COMPARISON - TRIAL DIVISION DISPOSITIONS

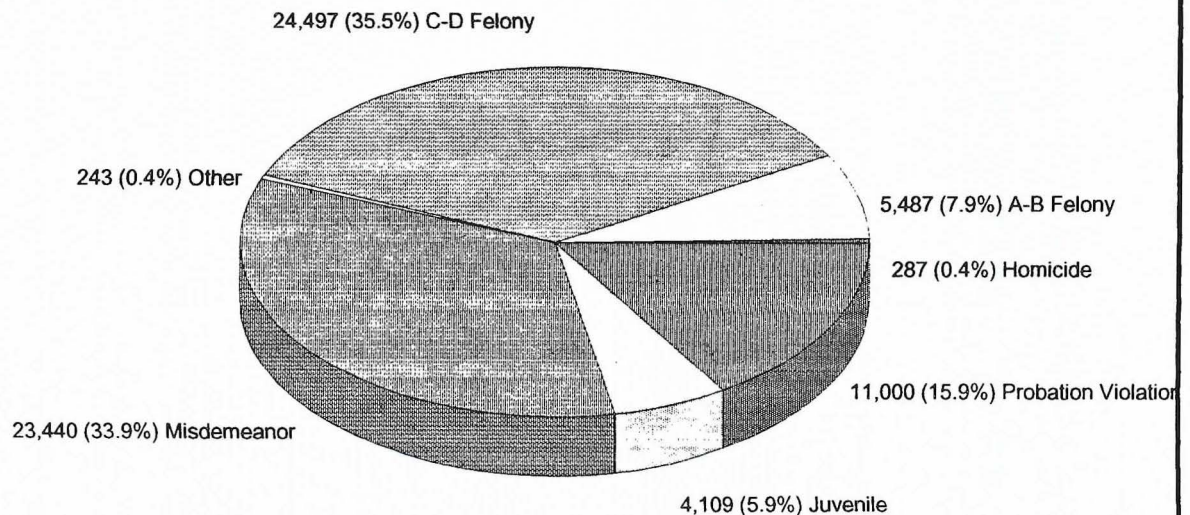
| District # | District Name | FY95 Disposed | FY96 Disposed | # Change | % Change | District # | District Name | FY95 Disposed | FY96 Disposed | # Change | % Change |
|-----------------------------------|------------------|------------------|------------------|-------------|-------------|------------|--------------------------|------------------|------------------|-------------|-------------|
| 2 | Kirksville | 367 | 380 | 13 | 3.54% | 25 | Rolla | 1,874 | 2,121 | 247 | 13.18% |
| 4 | Maryville | 421 | 496 | 75 | 17.81% | 26 | Lebanon | 1,479 | 1,378 | (101) | -6.83% |
| 5 | St. Joseph | 1,543 | 2,055 | 512 | 33.18% | 28 | Nevada | 683 | 724 | 41 | 6.00% |
| 7 | Liberty | 1,764 | 2,081 | 317 | 17.97% | 29 | Joplin | 3,223 | 3,495 | 272 | 8.44% |
| 10 | Hannibal | 660 | 812 | 152 | 23.03% | 30 | Buffalo | 880 | 836 | (44) | -5.00% |
| 11 | St. Charles | 1,917 | 1,581 | (336) | -17.53% | 31 | Springfield | 1,771 | 2,194 | 423 | 23.88% |
| 12 | Fulton | 1,292 | 1,406 | 114 | 8.82% | 32 | Cape Girardeau | 2,037 | 2,223 | 186 | 9.13% |
| 13 | Columbia | 3,356 | 2,964 | (392) | -11.68% | 34 | Caruthersville | 741 | 1,038 | 297 | 40.08% |
| 14 | Moberly | 897 | 957 | 60 | 6.69% | 35 | Kennett | 1,147 | 1,204 | 57 | 4.97% |
| 15 | Sedalia | 1,722 | 1,714 | (8) | -0.46% | 36 | Poplar Bluff | 1,081 | 872 | (209) | -19.33% |
| 16 | Kansas City | 7,412 | 8,611 | 1,199 | 16.18% | 37 | West Plains | 559 | 584 | 25 | 4.47% |
| 17 | Harrisonville | 1,186 | 1,652 | 466 | 39.29% | 39 | Monett | 1,223 | 1,595 | 372 | 30.42% |
| 19 | Jefferson City | 1,129 | 1,097 | (32) | -2.83% | 43 | Chillicothe | 1,182 | 1,389 | 207 | 17.51% |
| 20 | Union | 934 | 977 | 43 | 4.60% | 44 | Ava | 383 | 443 | 60 | 15.67% |
| 21 | St. Louis County | 6,282 | 6,753 | 471 | 7.50% | 45 | Troy | 494 | 512 | 18 | 3.64% |
| 22 | St. Louis City | 6,443 | 10,587 | 4,144 | 64.32% | 47 | Springfield Conflicts | 243 | 688 | 445 | 183.13% |
| 23 | Hillsboro | 1,178 | 1,284 | 106 | 9.00% | 48 | Kansas City Conflicts | 330 | 141 | (189) | -57.27% |
| 24 | Farmington | 1,369 | 1,356 | (13) | -0.95% | 49 | St. Louis City Conflict. | 958 | 863 | (95) | -9.92% |
| Total Trial Division Dispositions | | | | | | | | 60,160 | 69,063 | 8,903 | 14.80% |

* District 48 Closed October 95.

FY96 Trial Division Closed Cases By Case Type

| <i>Case Type</i> | <i>Description</i> | <i>Number Disposed</i> |
|--|------------------------|----------------------------|
| 00 | Unknown | 8 |
| 10 | Murder - Death Penalty | 17 |
| 15 | Murder I | 179 |
| 20 | Other Homicide | 91 |
| 30 | A-B Felony | 5,487 |
| 35 | C-D Felony | 24,497 |
| 40 | Misdemeanor | 19,726 |
| 45 | Misdemeanor - Traffic | 3,714 |
| 50 | Juvenile - Status | 1,309 |
| 52 | Juvenile - Criminal | 2,800 |
| 54 | PCR Rule 24 | 15 |
| 59 | PCR Rule 29 | 8 |
| 60 | Chapter 552 | 146 |
| 65 | Probation Violation | 11,000 |
| 75 | Writ | 17 |
| 80 | Appeal | 27 |
| 82 | Direct Appeal | 22 |
| <i>Total Trial Division Dispositions</i> | | <i>69,063</i> |

FY96 - Trial Division Closed Cases by Case Type



**FY96 - Trial Division Caseload
Assigned and Disposed by County**

| County Name | FY96 Assigned | FY96 Disposed | County Name | FY96 Assigned | FY96 Disposed | County Name | FY96 Assigned | FY96 Disposed | County Name | FY96 Assigned | FY96 Disposed |
|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|----------------|------------------|------------------|
| Adair | 263 | 251 | Dallas | 135 | 124 | Livingston | 287 | 288 | Randolph | 458 | 400 |
| Andrew | 151 | 145 | Daviess | 122 | 115 | Macon | 248 | 267 | Ray | 252 | 237 |
| Atchinson | 72 | 77 | DeKalb | 101 | 94 | Madison | 73 | 81 | Reynolds | 35 | 27 |
| Audrain | 394 | 388 | Dent | 248 | 237 | Maries | 55 | 63 | Ripley | 189 | 108 |
| Barry | 568 | 595 | Douglas | 131 | 135 | Marion | 415 | 378 | Saline | 330 | 312 |
| Barton | 212 | 186 | Dunklin | 875 | 849 | McDonald | 550 | 547 | Schuyler | 55 | 56 |
| Bates | 438 | 396 | Franklin | 864 | 899 | Mercer | 62 | 62 | Scotland | 36 | 25 |
| Benton | 262 | 232 | Gasconade | 75 | 111 | Miller | 188 | 176 | Scott | 627 | 614 |
| Bollinger | 90 | 95 | Gentry | 44 | 44 | Mississippi | 382 | 354 | Shannon | 82 | 79 |
| Boone | 2,847 | 2,925 | Greene | 1,727 | 1,875 | Moniteau | 75 | 59 | Shelby | 120 | 127 |
| Buchanan | 1,912 | 2,061 | Grundy | 216 | 219 | Monroe | 66 | 60 | Ste. Genevieve | 138 | 117 |
| Butler | 1,024 | 603 | Harrison | 175 | 131 | Montgomery | 80 | 80 | Stoddard | 316 | 354 |
| Caldwell | 98 | 84 | Henry | 530 | 519 | Morgan | 180 | 170 | Stone | 369 | 338 |
| Callaway | 965 | 947 | Hickory | 101 | 97 | New Madrid | 364 | 372 | St. Charles | 1,442 | 1,375 |
| Camden | 436 | 398 | Holt | 47 | 47 | Newton | 887 | 916 | St. Clair | 158 | 118 |
| Cape Girardeau | 1,051 | 1,012 | Howard | 77 | 88 | Nodaway | 174 | 150 | St. Francois | 881 | 776 |
| Carroll | 121 | 125 | Howell | 383 | 410 | Oregon | 79 | 88 | St. Louis City | 10,423 | 11,275 |
| Carter | 91 | 56 | Iron | 114 | 143 | Osage | 48 | 49 | St. Louis Co. | 5,411 | 6,727 |
| Cass | 626 | 621 | Jackson | 9,174 | 8,754 | Ozark | 118 | 121 | Sullivan | 42 | 28 |
| Cedar | 131 | 120 | Jasper | 2,192 | 2,229 | Pemiscot | 603 | 644 | Taney | 500 | 467 |
| Chariton | 86 | 88 | Jefferson | 1,276 | 1,284 | Perry | 200 | 197 | Texas | 229 | 211 |
| Christian | 277 | 244 | Johnson | 342 | 317 | Pettis | 660 | 672 | Vernon | 361 | 338 |
| Clark | 100 | 97 | Knox | 25 | 28 | Phelps | 786 | 744 | Warren | 288 | 282 |
| Clay | 1,325 | 1,324 | Laclede | 502 | 556 | Pike | 219 | 207 | Washington | 287 | 227 |
| Clinton | 198 | 176 | Lafayette | 301 | 306 | Platte | 500 | 488 | Wayne | 151 | 85 |
| Cole | 951 | 966 | Lawrence | 721 | 713 | Polk | 238 | 217 | Webster | 226 | 207 |
| Cooper | 192 | 178 | Lewis | 85 | 85 | Pulaski | 496 | 498 | Worth | 27 | 29 |
| Crawford | 458 | 438 | Lincoln | 350 | 311 | Putnam | 55 | 56 | Wright | 227 | 231 |
| Dade | 123 | 113 | Linn | 152 | 135 | Ralls | 101 | 93 | Totals | 68,396 | 69,063 |

3. Cost of Cases Disposed

The average cost of ALL cases assigned to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 1996 was \$218.50. The Trial Division average was \$162.20. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in fiscal year 1981. The average costs are also down from Fiscal Year 1995. This is due in large part to the great number of dispositions and cost awareness by the State Public Defender System.

| TRIAL DIVISION COSTS PER CASE | | | | | |
|--------------------------------------|----------------------|--------------------------------------|-------------------------------------|--------------------------------|---------------------------------|
| DISTRICT | LOCATION | CURRENT DISTRICT DEFENDER | TOTAL COSTS FOR DISTRICT | FY96 CASES DISPOSED | COST PER DISPOSITION |
| 2 | Kirksville | John Lowe | \$67,607.78 | 380 | \$177.92 |
| 4 | Maryville | Patricia Sullivan | \$94,256.10 | 496 | \$190.03 |
| 5 | St. Joseph | Anthony Cardarella | \$229,513.48 | 2,055 | \$111.69 |
| 7 | Liberty | Katherine Ladesh | \$398,205.30 | 2,081 | \$191.35 |
| 10 | Hannibal | Raymond Legg | \$179,654.81 | 812 | \$221.25 |
| 11 | St. Charles | Pat Noaker | \$441,838.97 | 1,581 | \$279.47 |
| 12 | Fulton | Michael Hamilton | \$188,442.66 | 1,406 | \$134.03 |
| 13 | Columbia | Robert Fleming | \$382,177.92 | 2,964 | \$128.94 |
| 14 | Moberly | Thomas Marshall | \$160,282.27 | 957 | \$167.48 |
| 15 | Sedalia | Kathleen Brown | \$257,049.06 | 1,714 | \$149.97 |
| 16 | Kansas City | Joel Elmer | \$1,211,735.06 | 8,611 | \$140.72 |
| 17 | Harrisonville | Chase Higinbotham | \$178,893.97 | 1,652 | \$108.29 |
| 19 | Jefferson City | Jan King | \$187,482.57 | 1,097 | \$170.90 |
| 20 | Union | Lisa Preddy Crane | \$152,963.29 | 977 | \$156.56 |
| 21 | St. Louis County | Shawn Goulet | \$1,236,651.24 | 6,753 | \$183.13 |
| 22 | St. Louis City | Mike Naccarato | \$1,698,419.21 | 10,587 | \$160.42 |
| 23 | Hillsboro | Lisa Clover | \$185,263.62 | 1,284 | \$144.29 |
| 24 | Farmington | Renee Murphy | \$215,772.22 | 1,356 | \$159.12 |
| 25 | Rolla | David Mills | \$235,381.50 | 2,121 | \$110.98 |
| 26 | Lebanon | Ruth Schulte | \$220,088.40 | 1,378 | \$159.72 |
| 28 | Nevada | Joe Zuzal | \$140,043.17 | 724 | \$193.43 |
| 29 | Joplin | Larry Maples | \$376,457.46 | 3,495 | \$107.71 |
| 30 | Buffalo | Jerry Montgomery | \$132,387.44 | 836 | \$158.36 |
| 31 | Springfield | Jon Van Arkel | \$317,937.21 | 2,194 | \$144.91 |
| 32 | Jackson | Kent Hall | \$273,057.04 | 2,223 | \$122.83 |
| 34 | Caruthersville | Jane Dunn | \$143,554.40 | 1,038 | \$138.30 |
| 35 | Kennett | Catherine Rice | \$162,445.20 | 1,204 | \$134.92 |
| 36 | Poplar Bluff | Rebecca Burke | \$168,219.36 | 872 | \$192.91 |
| 37 | West Plains | Donna Anthony | \$119,195.52 | 584 | \$204.10 |
| 39 | Monnett | Victor Head | \$201,011.15 | 1,595 | \$126.03 |
| 43 | Chillicothe | David Miller | \$225,488.71 | 1,389 | \$162.34 |
| 44 | Ava | Brendan Maturen | \$133,717.84 | 443 | \$301.85 |
| 45 | Troy | Jim Beck | \$98,833.61 | 512 | \$193.03 |
| 47 | Springfield Conflict | Anna Lasswell | \$126,812.93 | 688 | \$184.32 |
| 48 | Kansas City Conflict | Office Closed | \$53,965.79 | 141 | \$382.74 |
| 49 * | St. Louis Conflicts | Bevy Beimdiek | \$607,203.98 | 863 | \$703.60 |

APPELLATE DIVISION COSTS PER CASE

| DISTRICT | LOCATION | CURRENT DISTRICT DEFENDER | TOTAL COSTS FOR DISTRICT | FY96 CASES DISPOSED | COST PER DISPOSITION |
|-----------------|-----------------------|--------------------------------------|-------------------------------------|--------------------------------|---------------------------------|
| 49 * | St. Louis Conflicts | Bevy Beimdiek | \$607,203.98 | 863 | \$703.60 |
| 50 | Columbia Appellate | Steve Harris | \$1,280,561.94 | 808 | \$1,584.85 |
| 51 | St. Louis Appellate | Deborah Wafer | \$508,388.61 | 308 | \$1,650.61 |
| 52 | Kansas City Appellate | Susan Hogan | \$361,154.84 | 431 | \$837.95 |

*49 handles Trial, Appellate, and PCR cases.

CAPITAL DIVISION COSTS PER CASE

| DISTRICT | LOCATION | CURRENT DISTRICT DEFENDER | TOTAL COSTS FOR DISTRICT | FY96 CASES DISPOSED | COST PER DISPOSITION |
|-----------------|---------------------|--------------------------------------|-------------------------------------|--------------------------------|---------------------------------|
| 53 | Columbia Capital | Nancy McKerrow | \$624,226.27 | 17 | \$36,719.19 |
| 54 | St. Louis Capital | Karen Kraft | \$835,991.61 | 23 | \$36,347.46 |
| 55 | Kansas City Capital | John Bailey | \$628,259.50 | 14 | \$44,875.68 |

B. Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's public defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's public defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's public defenders and staff.

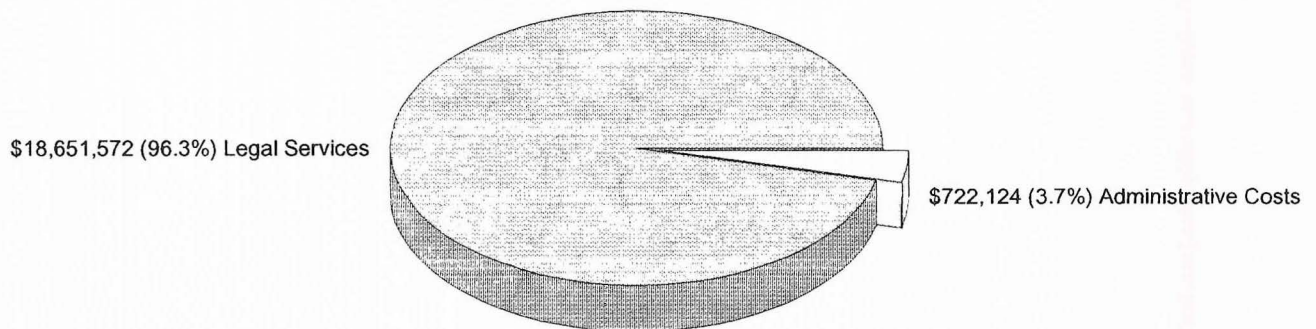
| <i>FY96 Trial Division Closed Cases By Disposition Type</i> | | |
|---|----------------------------|-------------------------|
| <i>Disposition Type</i> | <i>Description</i> | <i>Cases Closed</i> |
| <i>1</i> | <i>Withdrawn</i> | <i>9,031</i> |
| <i>2</i> | <i>Dismissed/Withdrawn</i> | <i>13,980</i> |
| <i>3</i> | <i>NGRI</i> | <i>64</i> |
| <i>4</i> | <i>Guilty Plea</i> | <i>32,685</i> |
| <i>5</i> | <i>Court Trial</i> | <i>299</i> |
| <i>6</i> | <i>Jury Trial</i> | <i>532</i> |
| <i>7</i> | <i>Hearing</i> | <i>12,472</i> |
| <i>Total Dispositions</i> | | <i>69,063</i> |

C. Cost of Public Defender System

The total Fiscal Year 1996 appropriations of the State Public Defender System are as follows in the table below:

| | |
|---|--------------|
| Director's Office - Administrative Support | |
| Personal Service (20.00 FTE) | \$562,386 |
| Expense & Equipment | \$159,738 |
| Defender Services - Direct Client Representation | |
| Personal Service (417.88 FTE) | \$12,950,622 |
| Expense & Equipment | \$2,528,144 |
| Federal and Other Funds - Direct Client Representation | |
| Personal Service (12.00 FTE) | \$258,771 |
| Expense & Equipment | \$122,549 |
| Legal Defense & Defender Fund - Training and One Time Equipment Purchases | |
| Personal Service (1.00 FTE) | \$25,636 |
| Expense and Equipment | \$556,000 |
| Homicide/Conflict Expenses - Direct Client Representation | |
| Expense & Equipment | \$2,059,850 |
| Debt Offset Revolving Fund | \$150,000 |

Legal Service Compared to Administrative Costs



IV. Caseload Increase

An analysis of the caseload of the State Public Defender System shows a continued increase. In FY96 the State Public Defender System handled 70,509 assigned cases. The projection for FY97 is 76,167 and for FY98 is 82,333. By the fiscal year 2001, it is projected that the State Public Defender System will be responsible for representation in over 100,000 criminal cases.

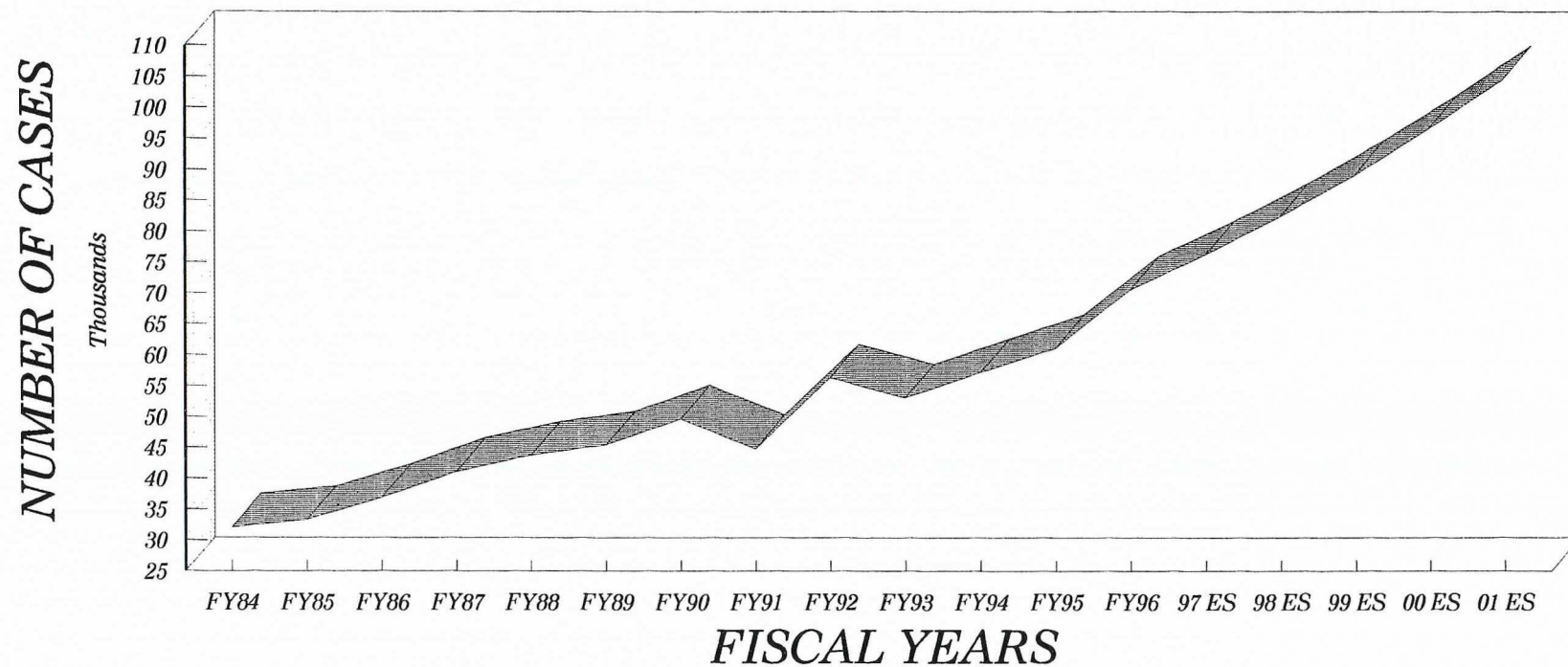
The Public Defender Commission's FY98 Legislative Budget Request includes a decision item requesting additional attorneys with adequate support staff. Additional attorneys have been requested to handle the projected increase from FY96 to FY98.

September 5, 1996

Missouri State Public Defender System

| | 1st Degree Murder | Other Homicide | Murder + Felony Felony | Caseload | Misdemeanor | Juvenile | PCR | Other | Probation Violations | Appeals | Total Assigned | Total Disposed |
|------------------------|----------------------|-------------------|---------------------------|----------|-------------|----------|-------|-------|-------------------------|---------|-------------------|-------------------|
| <i>FY01 PROJECTION</i> | 191 | 135 | 40,882 | 41,208 | 35,567 | 3,995 | 1,023 | 139 | 20,875 | 1,595 | 104,402 | |
| <i>FY00 PROJECTION</i> | 188 | 124 | 38,479 | 38,791 | 32,617 | 3,915 | 950 | 146 | 18,510 | 1,464 | 96,393 | |
| <i>FY99 PROJECTION</i> | 185 | 114 | 36,217 | 36,516 | 29,912 | 3,837 | 882 | 153 | 16,414 | 1,343 | 89,057 | |
| <i>FY98 PROJECTION</i> | 181 | 105 | 34,088 | 34,374 | 27,431 | 3,761 | 819 | 161 | 14,554 | 1,233 | 82,333 | |
| <i>FY97 PROJECTION</i> | 178 | 96 | 32,084 | 32,358 | 25,156 | 3,686 | 761 | 169 | 12,906 | 1,131 | 76,167 | |
| <i>FY96 ACTUAL</i> | 175 | 88 | 30,198 | 30,461 | 23,069 | 3,612 | 707 | 178 | 11,444 | 1,038 | 70,509 | 70,664 |
| <i>FY95 ACTUAL</i> | 256 | 109 | 27,688 | 28,053 | 17,696 | 3,916 | 719 | 165 | 9,362 | 1,138 | 61,049 | 61,710 |
| <i>FY94 ACTUAL</i> | 255 | 152 | 25,338 | 25,745 | 17,852 | 3,374 | 682 | 201 | 8,225 | 1,017 | 57,096 | 52,453 |
| <i>FY93 ACTUAL</i> | 301 | 136 | 24,402 | 24,839 | 15,883 | 3,146 | 766 | 249 | 7,301 | 872 | 53,056 | 52,363 |
| <i>FY92 ACTUAL</i> | 282 | 37 | 25,458 | 25,777 | 19,974 | 3,372 | 1,129 | 167 | 5,321 | 569 | 56,309 | 55,651 |
| <i>FY91 ACTUAL</i> | 193 | 63 | 21,304 | 21,560 | 13,941 | 2,713 | 588 | 169 | 5,051 | 820 | 44,842 | 49,038 |
| <i>FY90 ACTUAL</i> | 227 | 109 | 23,336 | 23,672 | 14,627 | 3,300 | 732 | 369 | 5,834 | 1,094 | 49,628 | 46,425 |
| <i>FY89 ACTUAL</i> | 193 | 149 | 20,838 | 21,180 | 12,902 | 3,298 | 1,342 | 418 | 5,074 | 1,243 | 45,457 | 42,532 |
| <i>FY88 ACTUAL</i> | 202 | 161 | 20,640 | 21,003 | 12,427 | 3,455 | 1,006 | 470 | 44,575 | 920 | 43,756 | 40,117 |
| <i>FY87 ACTUAL</i> | 199 | 145 | 19,254 | 19,598 | 11,736 | 3,564 | 755 | 443 | 4,308 | 728 | 41,132 | 37,081 |
| <i>FY86 ACTUAL</i> | 166 | 175 | 17,042 | 17,383 | 10,602 | 3,328 | 612 | 611 | 3,815 | 608 | 36,959 | 34,491 |
| <i>FY85 ACTUAL</i> | 152 | 172 | 15,397 | 15,721 | 9,126 | 3,500 | 543 | 522 | 3,293 | 632 | 33,337 | 32,410 |
| <i>FY84 ACTUAL</i> | 176 | 175 | 15,048 | 15,399 | 9,256 | 3,058 | 534 | 499 | 2,878 | 506 | 32,130 | 31,730 |

MISSOURI'S PUBLIC DEFENDER CASELOAD ANALYSIS



V. Legislative Recommendations

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manner of funding office rent and utilities for these offices was not changed.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

The problem is sure to get worse in the future. Projecting a conservative 8% increase in caseload, Missouri's Public Defender System will handle over 100,000 cases by the 2001. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed.

In summary, the physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency, while other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

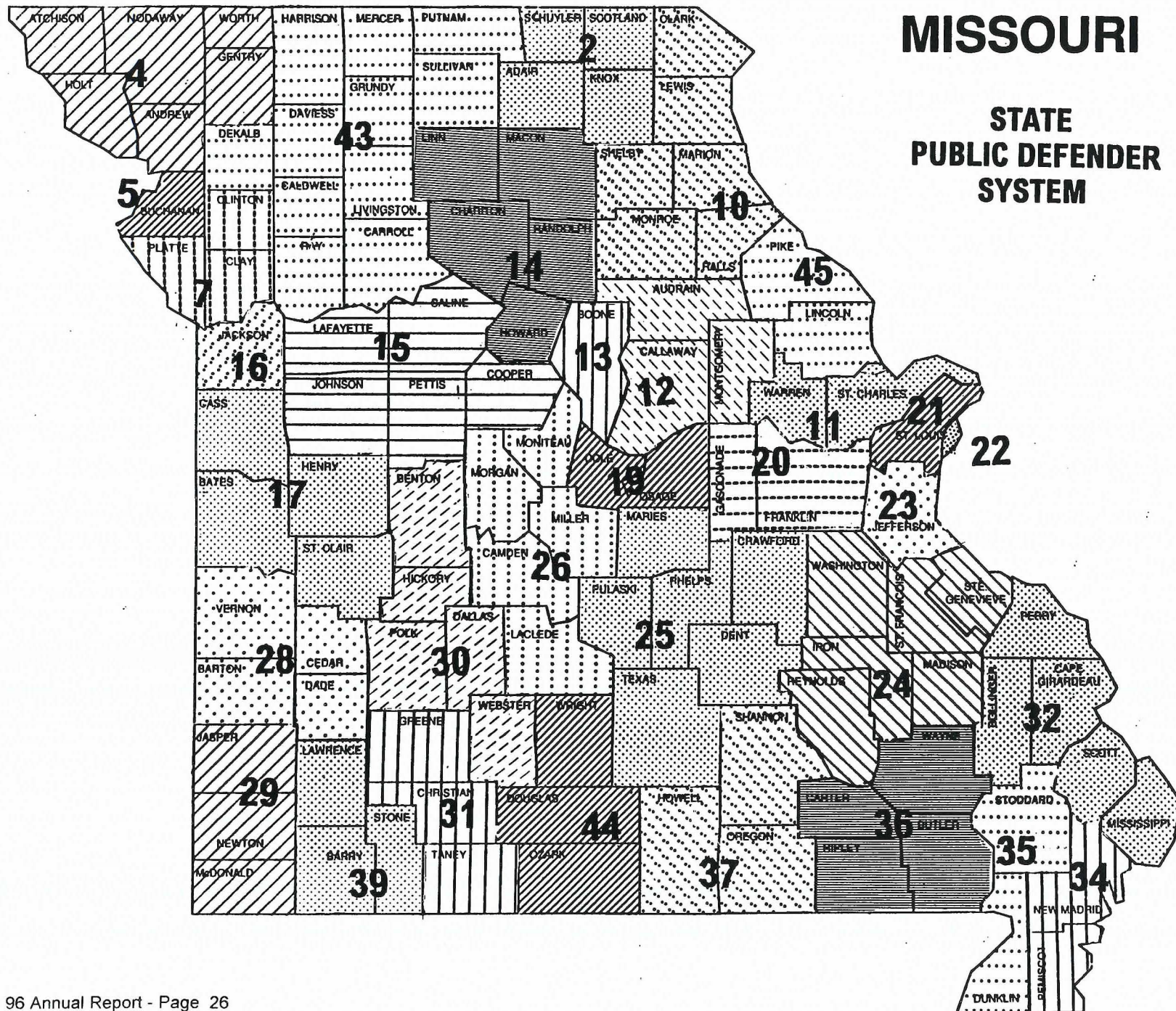
A change in the legislation, specifically repealing portions of RSMo 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo 600.040.1. The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. That need is simply not being met under the current statutory scheme.

VI. Alternative Sentencing Program

The primary objective of the Public Defender Alternative Sentencing Program is to reduce the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution. This program has saved the State of Missouri a documented 2,541 years of prison time and \$5,861,239 through June 30, 1996 through acceptance of alternative sentencing plans by judges.

| <i>Alternative Sentencing FY96 Caseload Statistics</i> | | |
|--|------------|-------------|
| <i>Sentencing with Full Alternative Sentencing Plan</i> | <i>221</i> | <i>55%</i> |
| <i>Certification Hearing - Mitigation</i> | <i>4</i> | <i>1%</i> |
| <i>Clients Placed on Inactive Status</i> | <i>96</i> | <i>24%</i> |
| <i>Mitigation Reports</i> | <i>24</i> | <i>6%</i> |
| <i>Client Treatment Placements</i> | <i>52</i> | <i>13%</i> |
| <i>Deferred Prosecution Plans</i> | <i>4</i> | <i>1%</i> |
| | <i>401</i> | <i>100%</i> |

In Fiscal Year 1996, Governor Carnahan recommended and the Legislature approved General Revenue funding to continue this cost saving program.



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MISSOURI STATE PUBLIC DEFENDER SYSTEM

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